

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RODNEY L. BROWN,

No.06-30160-DRH

Defendant.

ORDER

HERNDON, Chief Judge:

Now before the Court is the Government's Motion *in Limine* to Exclude from Evidence Defendant Rodney Brown's Exculpatory Statement to Police (Doc. 168). Defendant Brown has not responded to the Government's motion. Specifically, the Government argues that Defendant's statement to the Milwaukee police made at the time Defendant was arrested that he hadn't robbed the bank in Alton but that his co-defendants had given him some of the bank robbery proceeds to insure Defendant Brown's silence about their own involvement is hearsay that does not fall within an exception to the hearsay rule. Under the Federal Rules of Evidence, hearsay "is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted." **Fed. R. Evid. 801 (c).** Here, the Government argues that Defendant's exculpatory statement to the police was hearsay. The Court agrees. Further, the statement made by Defendant does not fall into any of the hearsay exceptions. **See**

Fed. R. Evid. 803, et. seq. Therefore, the Court **GRANTS** the Government's motion *in limine* to exclude from evidence Defendant Brown's exculpatory statement to the police unless and until Defendant Brown testifies himself (Doc. 168).

IT IS SO ORDERED.

Signed this 9th day of December, 2008.

/s/ David R. Herndon

**Chief Judge
United States District Court**